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MYERS BIGEL SIBLEY & SAJOVEC			WILSON, ROBERT W	
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RALEIGH, NC 27627			PAPER NUMBER	
			2661	

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/690,201

Applicant(s)

REFAI ET AL.

Examiner

Robert W Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-19 is/are allowed.
- 6) ☒ Claim(s) 1-10 & 20-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

**1.0** The application of Refai et. al. entitled METHOD, WIRELESS TERMINALS AND SYSTEM FOR ACQUIRING SERVICE USING STORED TDMA DIGITAL CONTROL CHANNEL INFORMATION" filed on 10/17/2000 and amended on 11/01/04 without foreign priority was examined. Claims 1-35 are pending.

#### *Claim Rejections - 35 USC § 102*

**2.0** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**3.0** **Claims 1-5, & 30-34** are rejected under 35 U.S.C. 102(e) as being anticipated by Hardin (U.S. Patent No.: 6,400,948 B1).

Referring to **Claim 1**, Hardin teaches: A method for acquiring service for a TDMA wireless terminal (TDMA col. 1 line 54 and col. 2 line 2 , wireless terminal per Fig 3, and acquiring service per Figs 4-6)

Camping on a TDMA digital control channel (59 per Fig 5)

Receiving a request for an operation to be performed by the TDMA wireless terminal that is performed by the TDMA wireless terminal mutually exclusive of camping on the TDMA digital control channel (The TDMA wireless terminal per Fig 3 receives DOWNLOAD REQUEST or 42 per Fig 4 which is mutually exclusive of the act of camping)

Storing TDMA digital control channel information associated with the TDMA digital control Channel (The mobile UPDATES or stored per 43-45 per Fig 4)

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Suspending camping on the TDMA digital control channel (The applicant broadly claims “suspending camping on”. The mobile station inherently stops focusing on camping on or suspends camping on while downloading per Fig 2)

Performing the request operation (GENERATE DOWNLOAD RESPONSE or 46 per Fig 4)

Using the stored TDMA digital control channel information to acquire service for the wireless terminal (The information downloaded allows the mobile to determine which DCCH to camp on per 59 per Fig 5 as well as acquire service information per Tables 1-4 per Col. 8 and 9.)

**In Addition Hardin teaches:**

Regarding **Claim 2**, wherein the TDMA digital control information comprises a TDMA digital control channel number that identifies the TDMA digital control channel on which the wireless terminal was camped prior to receiving the request for the operation (Selection of DCCH is in the history list per Fig 6 & DCCH has a # per Table 8 and per col. 13 lines 42-50)

Regarding **Claim 3**, wherein the TDMA digital control information further comprises at least one neighbor digital control channel number that identifies at least one neighbor TDMA digital control channel associated with at least one area that neighbors an area associated with the TDMA digital control channel on which the wireless terminal was camped prior to receiving the request for the operation (The mobile station receives updates at a periodic or predetermined rate per col. 7 line 45-67. The mobile station receives updates associated with neighbors per Fig 4)

Regarding **Claim 4**, wherein storing the TDMA digital control channel information is done in response to receiving the request for the operation to be performed (In the event that the mobile station was just powered on the mobile station will receive the download request in response to receiving a request so that an operation will be performed per Figs 4-6)

Regarding **Claim 5**, wherein the TDMA digital control channel information is stored prior to receiving the request for the operation (The digital control channel information is stored prior to triggered event which has a request for the mobile station to perform an operation per col. 7 lines 45-67)

Referring to **Claim 30**, Hardin teaches: A wireless terminal (wireless terminal per Fig 3)

Means for camping on a TDMA digital control channel (59 per Fig 5 which is performed in Fig 3 or means)

Means for receiving a request for an operation to be performed by the TDMA wireless terminal that is performed by the TDMA wireless terminal mutually exclusive of camping on the TDMA digital control channel (The TDMA wireless terminal per Fig 3 has an antenna or means for receiving DOWNLOAD REQUEST or 42 per Fig 4 which is mutually exclusive of the act of camping)

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Means for storing TDMA digital control channel information associated with the TDMA digital control Channel (The mobile UPDATES or stored per 43-45 per Fig 4 in the memory per Fig 3 or means for storing)

Means for suspending camping on the TDMA digital control channel (The applicant broadly claims "suspending camping on". The mobile station inherently stops focusing on camping on or suspends camping on while downloading per Fig 2)

Means Performing the request operation (GENERATE DOWNLOAD RESPONSE or 46 per Fig 4 which is performed by the CONTROLLER per Fig 3 or means to perform)

Means for using the stored TDMA digital control channel information to acquire service for the wireless terminal (The information downloaded allows the mobile to determine which DCCH to camp on per 59 per Fig 5 as well as acquire service information per Tables 1-4 per Col. 8 and 9 which is stored in the MEMORY per Fig 3 or means)

**In Addition Hardin teaches:**

Regarding **Claim 31**, wherein the TDMA digital control information comprises a TDMA digital control channel number that identifies the TDMA digital control channel on which the wireless terminal was camped prior to receiving the request for the operation (Selection of DCCH is in the history list per Fig 6 & DCCH has a # per Table 8 and per col. 13 lines 42-50)

Regarding **Claim 32**, wherein the TDMA digital control information further comprises at least one neighbor digital control channel number that identifies at least one neighbor TDMA digital control channel associated with at least one area that neighbors an area associated with the TDMA digital control channel on which the wireless terminal was camped prior to receiving the request for the operation (The mobile station receives updates at a periodic or predetermined rate per col. 7 line 45-67. The mobile station receives updates associated with neighbors per Fig 4)

Regarding **Claim 33**, wherein means for storing the TDMA digital control channel information is done in response to receiving the request for the operation to be performed (In the event that the mobile station was just powered on the mobile station will receive the download request in response to receiving a request so that an operation will be performed per Figs 4-6. Fig 3 shows the means)

Regarding **Claim 34**, wherein the TDMA digital control channel information is stored prior to receiving the request for the operation (The digital control channel information is stored prior to triggered event which has a request for the mobile station to perform an operation per col. 7 lines 45-67)

***Claim Rejections - 35 USC § 103***

**4.0** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5.0** **Claims 6-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardin (U.S. Patent No.; 6,400,948) in view of Elvins (U.S. Patent No.: 6,529,586).

Referring to **Claim 6**, Hardin teaches: A method for acquiring service for a TDMA wireless terminal (TDMA col. 1 line 54 and col. 2 line 2 and, wireless terminal per Fig 3, and acquiring service per Figs 4-6)

Camping on a TDMA digital control channel (59 per Fig 5)

Receiving a request for an operation to be performed by the TDMA wireless terminal that is performed by the TDMA wireless terminal mutually exclusive of camping on the TDMA digital control channel (The TDMA wireless terminal per Fig 3 receives DOWNLOAD REQUEST or 42 per Fig 4 which is mutually exclusive of the act of camping)

Storing TDMA digital control channel information associated with the TDMA digital control Channel (The mobile UPDATES or stored per 43-45 per Fig 4)

Suspending camping on the TDMA digital control channel (The applicant broadly claims "suspending camping on". The mobile station inherently stops focusing on camping on or suspends camping on while downloading per Fig 2)

Performing the request operation (GENERATE DOWNLOAD RESPONSE or 46 per Fig 4)

Using the stored TDMA digital control channel information to acquire service for the wireless terminal (The information downloaded allows the mobile to determine which DCCH to camp on per 59 per Fig 5 as well as acquire service information per Tables 1-4 per Col. 8 and 9.)

Hardin does not expressly call for: wherein the operation to be performed comprises at least one of a voice activated dialing operation and a media playback operation but teaches that a download event may occur at a predetermined time or be triggered per col. 7 lines 45-67.

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Elvins teaches: wherein the operation to be performed comprises a voice activated dialing operation or a media playback operation (Downloading media playback per col. 8 line1 –col. 10 line 67 or Fig 7)

It would have been obvious to add the media playback capability of Elvins to method of downloading information from the base station because triggering event has occurred to cause the information to be downloaded.

**In Addition Richton teaches:**

Regarding **Claim 7**, wherein the media playback operation comprises playing an MP3 object or displaying an MPEG object (MP3 per col. 8 lines 14-20)

**In Addition Hardin teaches:**

Regarding **Claim 8**, wherein the operation to be performed comprises a radio frequency shutdown operation that disables radio frequency portions of the wireless terminal (It would have been obvious to one of ordinary skill at the time of the invention that if the operator powers the wireless mobile terminal off while the mobile is in the process of roaming which results in the mobile receiving the DOWNLOAD REQUEST as a first operation and a power off by the operator via the user interface it would result in a radio frequency shutdown operation that disables the radio frequency portions of the wireless terminal.)

Regarding **Claim 9**, wherein the operation to be performed comprises scanning for a second service that is different than a first service associated with the TDMA digital control channel (The applicant broadly claims “service”. The examiner interprets scanning channel in determining a different DCCH to camp comprises searching for a different service per Figs 4-6)

Regarding **Claim 10**, wherein the operation to be performed comprises scanning the service associated with the TDMA digital control channel responsive to losing synchronization with the TDMA digital control channel (Figs 4-6 teach receiving service information associated with different control channels. It would have been obvious to one of ordinary skill in the art at the time of the invention that the reason for receiving this information is so that the mobile has alternative channels upon losing synchronization with a digital control channel)

***Claim Rejections - 35 USC § 103***

**6.0** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7.0 Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardin (U.S.

Patent No.; 6,400,948).

Referring to **Claim 20**, Hardin teaches: A method for acquiring service for a TDMA wireless terminal (TDMA col. 1 line 54 and col. 2 line 2 and, wireless terminal per Fig 3, and acquiring service per Figs 4-6)

Camping on a TDMA digital control channel (59 per Fig 5)

Receiving a request for a first operation to be performed by the TDMA wireless terminal that is performed by the TDMA wireless terminal mutually exclusive of camping on the TDMA digital control channel (The TDMA wireless terminal per Fig 3 receives DOWNLOAD REQUEST or 42 per Fig 4 which is mutually exclusive of the act of camping)

Receiving a request for a second operation to be performed by the TDMA wireless terminal that is performed by the TDMA wireless terminal mutually exclusive of the operation (The mobile USER INTERFACE or 38 per Fig 3 which can be used by the operator to make a request which is mutually exclusive of the network)

Suspending camping on the TDMA digital control channel (The applicant broadly claims "suspending camping on". The mobile station inherently stops focusing on camping on or suspends camping on while downloading per Fig 2)

Performing one of the first and second operations in the TDMA wireless terminal and then performing the other of the first and second operations (The Mobile receives the DOWN LOAD REQUEST or 42 per Fig 4 and proceeds to perform GENERATE DOWNLOAD RESPONSE or 46 per Fig 4 of first request)

Wherein the second operation to be performed comprises a radio frequency shutdown operation that disables radio frequency portions of the wireless terminal (The wireless receives a power off which results in a radio frequency shutdown on the wireless terminal)

Hardin does not expressly call for: radio frequency shutdown operation that disables the radio frequency portions of the wireless terminal but teaches a user interface on the mobile terminal

It would have been obvious to one of ordinary skill at the time of the invention that if the operator powers the wireless mobile terminal off while the mobile is in the process of roaming which results in the mobile receiving the DOWNLOAD REQUEST as a first operation and a power off by the operator via the user interface it would result in a radio frequency shutdown operation that disables the radio frequency portions of the wireless terminal.

***Claim Rejections - 35 USC § 103***

**8.0** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9.0** **Claims 21-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardin (U.S. Patent No.; 6,400,948) in view of Raith (U.S. Patent No.; 5,768,267)

Referring to **Claim 21**, Hardin teaches: A TDMA wireless terminal (TDMA col. 1 line 54 and col. 2 line 2 and wireless terminal per Fig 3)

A housing (Fig 3)

A transceiver circuit positioned in the housing (34 per Fig 3)

An antenna extending from the housing and coupled to the transceiver (32 & 34 per Fig 3)

Controller circuit, positioned in the housing and coupled to the transceiver (38 per Fig 3), that performs camping on a TDM digital control channel and operations that are performed by the TDMA wireless terminal mutually exclusive of camping on the TDMA digital channel (The controller performs the functions per Figs 4-6 which are mutually exclusive of camping on), wherein the controller circuit stores TDMA digital control channel information associated with the TDMA digital control channel prior to performing operations that are mutually exclusive of camping

suspending camping on the TDMA digital control channel during performance of operation that is mutually exclusive of camping (The applicant broadly claims "suspending camping on". The mobile station inherently stops focusing on camping on or suspends camping on while downloading per Fig 2)

and uses the stored TDMA digital control channel information (UPDATES or stores per 43-45 per Fig 4) to acquire service for the wireless terminal after completing the operations that are performed mutually exclusive of camping after completing the operations that are performed mutually exclusive of camping on (The information downloaded allows the mobile to determine which DCCH to camp on per 59 per Fig 5 as well as acquire service information per Tables 1-4 per Col. 8 and 9)

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a memory operatively coupled to the controller circuit that stores the TDMA digital control channel information (40 per Fig 3)

Hardin does not expressly call for: housing but teaches a wireless terminal per Fig 3.

Raith teaches a housing per Fig 4

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the housing of Raith to the components that make up the wireless terminal of Hardin so that all of the components are held together in order for an operator to utilize the user interface.

**In Addition Hardin teaches:**

Regarding **Claim 22**, wherein the TDMA digital control information comprises a TDMA digital control channel number that identifies the TDMA digital control channel on which the wireless terminal was camping prior to receiving the request for the operation (Selection of DCCH is in the history list per Fig 6 & DCCH has a # per Table 8 and per col. 13 lines 42-50)

Regarding **Claim 23**, wherein the TDMA digital control information further comprises at least one neighbor digital control channel number that identifies at least one neighbor TDMA digital control channel associated with at least one area that neighbors an area associated with the TDMA digital control channel on which the wireless terminal was camped prior to receiving the request for the operation (The mobile station receives updates at a periodic or predetermined rate per col. 7 line 45-67. The mobile station receives updates associated with neighbors per Fig 4)

Regarding **Claim 24**, wherein storing the TDMA digital control channel information is done in response to receiving the request for the operation to be performed (In the event that the mobile station was just powered on the mobile station will receive the download request in response to receiving a request so that an operation will be performed per Figs 4-6)

Regarding **Claim 25**, wherein the TDMA digital control channel information is stored prior to receiving the request for the operation (The digital control channel information is stored prior to triggered event which has a request for the mobile station to perform an operation per col. 7 lines 45-67)

***Claim Rejections - 35 USC § 103***

**10.0** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**11.0 Claims 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardin (U.S. Patent No.; 6,400,948) in view of Richton (U.S. Patent No.: 6,400,956) further in view of Raith (U.S. Patent No.; 5,768,267)

Referring to Claim 26, Harding teaches: A TDMA wireless terminal (TDMA col. 1 line 54 and col. 2 line 2 and wireless terminal per Fig 3)

A housing (Fig 3)

A transceiver circuit positioned in the housing (34 per Fig 3)

An antenna extending from the housing and coupled to the transceiver (32 & 34 per Fig 3)

Controller circuit, positioned in the housing and coupled to the transceiver (38 per Fig 3), that performs camping on a TDM digital control channel and operations that are performed by the TDMA wireless terminal mutually exclusive of camping on the TDMA digital channel (The controller performs the functions per Figs 4-6 which are mutually exclusive of camping on),

wherein the controller circuit stores TDMA digital control channel information associated with the TDMA digital control channel prior to performing operations that are mutually exclusive of camping and uses the stored TDMA digital control channel information (UPDATES or stores per 43-45 per Fig 4),

suspending camping on the TDMA digital control channel during performance of operation that is mutually exclusive of camping (The applicant broadly claims "suspending camping on". The mobile station inherently stops focusing on camping on or suspends camping on while downloading per Fig 2)

to acquire service for the wireless terminal after completing the operations that are performed mutually exclusive of camping after completing the operations that are performed mutually exclusive of camping on (The information downloaded allows the mobile to determine which DCCH to camp on per 59 per Fig 5 as well as acquire service information per Tables 1-4 per Col. 8 and 9)

a memory operatively coupled to the controller circuit that stores the TDMA digital control channel information (40 per Fig 3)

Hardin does not expressly call for: housing or wherein an operation to be performed comprises at least one of a voice activated dialing operation and a media playback operation but teaches a wireless terminal per Fig 3 and that a download event may occur at a predetermined time or be triggered per col. 7 lines 45-67.

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Richton teaches: wherein the first operation comprises performing a voice-activated dialing operation (Downloading voice activated dialing which is triggered by the event of the mobile coming within the servers area per col. 3 line 3-col. 7 line 25)

It would have been obvious to add the voice activated dialing of Richton to apparatus of Harding which is downloading information from the base station because triggering event has occurred.

The combination of Hardin and Richton do not expressly call for: housing but Harding teaches the mobile apparatus per Fig 3.

Raith teaches a housing per Fig 4

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the housing of Raith to the components that make up the wireless terminal of Hardin and Richton so that all of the components are held together in order for an operator to utilize the user interface.

### ***Claim Rejections - 35 USC § 103***

**12.0** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**13.0** **Claims 27-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hardin (U.S. Patent No.; 6,400,948) in view of Richton (U.S. Patent No.: 6,400,956) further in view of Raith (U.S. Patent No.; 5,768,267)

Referring to **Claim 27**, Hardin teaches: A TDMA wireless terminal (TDMA col. 1 line 54 and col. 2 line 2 and wireless terminal per Fig 3)

A housing (Fig 3)

A transceiver circuit positioned in the housing (34 per Fig 3)

An antenna extending from the housing and coupled to the transceiver (32 & 34 per Fig 3)

Controller circuit, positioned in the housing and coupled to the transceiver (38 per Fig 3), that performs camping on a TDM digital control channel and operations that are performed by the

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TDMA wireless terminal mutually exclusive of camping on the TDMA digital channel (The controller performs the functions per Figs 4-6 which are mutually exclusive of camping on), wherein the controller circuit stores TDMA digital control channel information associated with the TDMA digital control channel prior to performing operations that are mutually exclusive of camping and uses the stored TDMA digital control channel information (UPDATES or stores per 43-45 per Fig 4) to acquire service for the wireless terminal after completing the operations that are performed mutually exclusive of camping after completing the operations that are performed mutually exclusive of camping on (The information downloaded allows the mobile to determine which DCCH to camp on per 59 per Fig 5 as well as acquire service information per Tables 1-4 per Col. 8 and 9)

a memory operatively coupled to the controller circuit that stores the TDMA digital control channel information (40 per Fig 3) wherein an operation to be performed comprise a transceiver shutdown operation that disables the transceiver circuit (It would have been obvious to one of ordinary skill at the time of the invention that if the operator powers the wireless mobile terminal off while the mobile is in the process of roaming which results in the mobile receiving the DOWNLOAD REQUEST and a power off by the operator via the user interface occur that this would result in a radio frequency shutdown operation that disables the radio frequency portions of the wireless terminal.)

Hardin does not expressly call for: housing but teaches a wireless terminal per Fig 3

Raith teaches a housing per Fig 4

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the housing of Raith to the components that make up the wireless terminal of Hardin so that all of the components are held together in order for an operator to utilize the user interface.

**In Addition Hardin teaches:**

Regarding **Claim 28**, wherein the operation to be performed comprises scanning for a second service that is different than a first service associated with the TDMA digital control channel (The applicant broadly claims "service". The examiner interprets scanning channel in determining a different DCCH to camp comprises searching for a different service per Figs 4-6)

Regarding **Claim 29**, wherein the operation to be performed comprises scanning the service associated with the TDMA digital control channel responsive to losing synchronization with the TDMA digital control channel (Figs 4-6 teach receiving service information associated with different control channels. It would have been obvious to one of ordinary skill in the art at the time of the invention that the reason for receiving this information is so that the mobile has alternative channels upon losing synchronization with a digital control channel)

***Claim Rejections - 35 USC § 103***

**14.0** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**15.0** **Claim 35** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hardin (U.S. Patent No.; 6,400,948) in view of Richton (U.S. Patent No.: 6,400,956).

Referring to **Claim 35**, Hardin teaches: A wireless terminal (wireless terminal per Fig 3)

Means for camping on a TDMA digital control channel (59 per Fig 5 which is performed in Fig 3 or means)

Means for receiving a request for an operation to be performed by the TDMA wireless terminal that is performed by the TDMA wireless terminal mutually exclusive of camping on the TDMA digital control channel (The TDMA wireless terminal per Fig 3 has an antenna or means for receiving DOWNLOAD REQUEST or 42 per Fig 4 which is mutually exclusive of the act of camping)

Means for storing TDMA digital control channel information associated with the TDMA digital control Channel (The mobile UPDATES or stored per 43-45 per Fig 4 in the memory per Fig 3 or means for storing)

Means Performing the request operation (GENERATE DOWNLOAD RESPONSE or 46 per Fig 4 which is performed by the CONTROLLER per Fig 3 or means to perform)

Means for using the stored TDMA digital control channel information to acquire service for the wireless terminal (The information downloaded allows the mobile to determine which DCCH to camp on per 59 per Fig 5 as well as acquire service information per Tables 1-4 per Col. 8 and 9 which is stored in the MEMORY per Fig 3 or means)

Means for suspending camping on the TDMA digital control channel (The applicant broadly claims "suspending camping on". The mobile station inherently stops focusing on camping on or suspends camping on while downloading or means per Fig 2)

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Hardin does not expressly call for: wherein the first operation comprises performing a voice-activated dialing operation but teaches that a download event may occur at a predetermined time or be triggered per col. 7 lines 45-67.

Richton teaches: wherein the first operation comprises performing a voice-activated dialing operation (Downloading voice activated dialing which is triggered by the event of the mobile coming within the servers area per col. 3 line 3-col. 7 line 25)

It would have been obvious to add the voice activated dialing of Richton to method of downloading information from the base station of Hardin because triggering event has occurred.

### *Allowable Subject Matter*

**17.0** The applicant invention is directed to a method in which the device receives a request for a first operation is received then receives a request for a second operation that is to be performed mutually exclusively of the first operation then the use of the control channel is suspend while the device performs either the first or second operation.

The closest prior art is Hardin (U.S. Patent No.; 6,400,948). Hardin discloses a method in which the device receives a request for a download operation to be performed independently or mutually exclusively of devices calculation as to which channel should be utilized as a control channel. Although the data that is to downloaded could change the outcome of the decision as to which channel is to be selected as the control channel. The request to download and the calculation are two independent events. Next the activity on the control channel is interrupted or suspended while the device focuses on the download.

The closest prior art Hardin does not either singularly or combination render or anticipate the following claim limitations:

“receiving a request for a first operation to be performed by the TDMA wireless terminal using a TDMA digital control channel; receiving a request for a second operation to be performed by the TDMA wireless terminal that is performed by the TDMA wireless terminal mutually exclusive of the first operation, suspending use of the TDMA digital control channel by the TDMA wireless terminal and performing one of the first and second operation in the TDMA wireless terminal and then performing the other of the first and second operations” as claimed in Claim 11.

“receiving a request for a second operation to be performed by the TDMA wireless terminal that is performed by the TDMA wireless terminal mutually exclusive of the first operation ; suspending camping on the TDMA digital control channel and performing one of the first and second operation s in the TDMA wireless terminal and then performing the other of the first and second operations” as claimed in claim 14.

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In Addition:

Claims 12-13 are allowable because they depend upon claim 11.

Claims 15-19 are allowable because they depend upon claim 14.

***Response to Arguments***

**18.0** Applicant's arguments filed 11/01/2004 have been fully considered but they are not persuasive.

The applicant broadly claims "mutually exclusive of camping on the TDMA digital control channel" in the claims and did not further limit this definition in the specification. The applicant in the claim and the specification does not define "mutually exclusive" with respect to what. The examiner respectively disagrees with the applicant's argument that the reference, Hardin, does not disclose performing an operation which is mutually exclusive of camping on.

The reference Harding teaches that the mobile station receives a request to download the Intelligent Roaming Data Base (IRDB) from the OTAF (which is not a part of the mobile station) to download the IRDB data upon a predetermined time or upon a triggered event per col. 7 line 55-col. 8 line 12. The mobile station while intelligently roaming is constantly evaluating the IRDB data in order to determine which control channel to select for camping on per col. 7 line 55-col. 8 line 12 or per Fig 5. Receiving the request for the download is independent or mutually exclusive of the calculation that the device is performing to determine which control channel to select. Consequently, it is the examiner's interpretation the reference Hardin reads on the applicant broad claim limitation.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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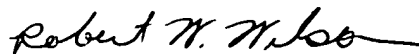
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

**20.0** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571/272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert W Wilson  
Examiner  
Art Unit 2661

RWW  
2/17/05



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